

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**  
**IN MEDICINE AND SURGERY**

IN THE MATTER OF:

**JEFF A. BAIRD, D.O.**  
Holder of License No. 2431

For the practice of osteopathic medicine in the  
State of Arizona

) Case No.: 3562  
)  
) **CONSENT AGREEMENT FOR**  
) **FINDINGS OF FACT,**  
) **CONCLUSIONS OF LAW**  
) **AND ORDER FOR DECREE OF**  
) **CENSURE**  
)  
)  
)

On July 27, 2005, the Arizona Board of Osteopathic Examiners (hereafter "Board") notified Jeff A. Baird, D.O. (hereafter "Respondent") of a complaint initiated by the Board. The Board received the Respondent's answer to this complaint August 23, 2005 and a supplemental response on February 22, 2006.

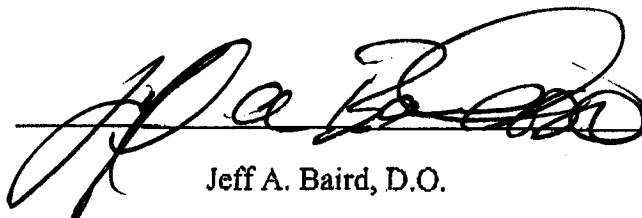
On April 17, 2006, the Respondent was notified that the complaint would be reviewed on the Board's May 13, 2006 agenda and that he had the right to attend that meeting. Respondent did not appear in person or through counsel at this meeting. Finally at their meeting on December 9, 2006, the Board reviewed the complaint and voted to refer this matter to a Formal Administrative Hearing in order to reach a final disposition in this matter. In lieu of that formal hearing, the Board reviewed and approved the following consent agreement. After hearing testimony and considering the documents submitted, the Board voted to enter the following Findings of Fact and Conclusions of Law, and Order of Censure.

**AGREEMENT**

By mutual agreement and understanding, Board and Respondent, the parties hereto agree to the following disposition to this matter:

1. Respondent acknowledges that he has read this Consent Agreement and, Respondent is aware of and understands the contents of this document.
2. Respondent understands that by entering into this Consent Agreement, he voluntarily relinquishes any rights to a hearing on the matters alleged as grounds for Board action or to seek judicial review of the consent order in state or federal court.
3. Respondent understands that this Consent Agreement will not become effective unless approved by the Board and signed by its Executive Director.
4. Respondent further understands that this Consent Agreement, once approved and signed, shall constitute a public records which will be disseminated as a formal action of the Board as required by A.R.S. §§ 32-1855 (L) and (K).
5. Respondent while not admitting to the statement of facts and conclusions of law contained in the Consent Agreement, he acknowledges and accepts the imposition of them.
6. All statements included in this Consent Agreement are solely for final disposition of this matter and any subsequent administrative proceedings or litigation involving the Board, Respondent and the State of Arizona; and, therefore, said statements are not intended for any other purpose or administrative regulatory proceeding or litigation in another state or federal court.
7. Respondent acknowledges and agrees that upon signing and returning this document (or a copy thereof) to the Board's Executive Director, he may not later revoke or amend this Consent Agreement, without first obtaining Board approval.
8. Respondent further acknowledges and agrees that this Consent Agreement is an adverse action that will be reported to the appropriate and mandated entities.

REVIEWED AND ACCEPTED this 11 day of April, 2007.



Jeff A. Baird, D.O.

**JURISDICTIONAL STATEMENTS**

1. The Board is empowered, pursuant to A.R.S. § 32-1800 et seq., to regulate the practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed, registered, or permitted to practice osteopathic medicine in the State of Arizona.
2. Respondent is the holder of License No. 2431 issued by the Board for the practice of osteopathic medicine in the State of Arizona.

**FINDINGS OF FACT**

1. On or around June 30, 2005 the Board received information that the Respondent had purchased a quantity of *Botulinum Neurotoxin Type A* ("BNTA"), which is manufactured by Toxin Research International ("TRI"), as an alternative to *Botox*, which is produced by Allergan Inc., and the only FDA-approved and licensed Botulinum Toxin Type A medical product in the United States.
2. The record and the Respondent's correspondence indicate the following:
  - (a) In July 2003, the Respondent attended a training course in the administration of Botox and dermal fillers.
  - (b) The Respondent confirmed that he had purchased a total of 4 vials of Botulinum Toxin Type A from Toxin Research International in July and December 2003.
  - (c) The Respondent could not confirm that any of his other patients were injected with BTNA, but if he did inject anyone, other than himself and his wife, it would have been several of his wife's friends. Respondent knew that the BTNA had not been approved for use in humans.

- (d) The Respondent did not make or keep appropriate medical records for those patients injected with the Botulinum Type A toxin.

### CONCLUSIONS OF LAW

1. The conduct described in Findings of Fact 1 through 2 herein constitutes unprofessional conduct as defined at A.R.S. § 32-1854 (21), which states, "Failing or refusing to establish and maintain adequate records on a patient as follows: (a) If the patient is an adult, for at least seven years after the last date the licensee provided the patient with medical or health care services."
2. The conduct described in Findings of Fact 1 through 2 herein constitutes unprofessional conduct as defined at A.R.S. § 32-1854 (6), "Engaging in the practice of medicine in a manner that harms or may harm a patient or that the board determines falls below the community standard."
3. The conduct described in Findings of Fact 1 through 2 herein constitutes unprofessional conduct as defined at A.R.S. § 32-1854 (38), "Any conduct or practice that endangers a patient's or the public's health or may reasonably be expected to do so."

### ORDER

Pursuant to the authority vested in the Board,

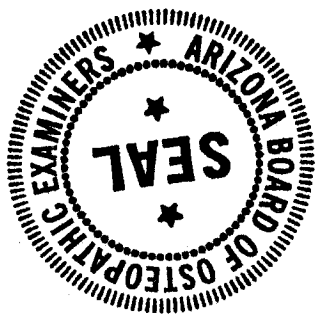
1. **IT IS HEREBY ORDERED** that Jeff A. Baird, D.O. Holder of Osteopathic medical license number 2431, is issued a **DECREE OF CENSURE** pursuant to the provisions of A.R.S. § 32-1855 (I).

ISSUED THIS 21<sup>st</sup> DAY OF MAY, 2007.

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS

By: \_\_\_\_\_

Jack Confer, Executive Director



Original "Consent Agreement for Findings of Fact, Conclusions of Law and Order for Decree of Censure" filed this 21<sup>st</sup> of MAY, 2007 with the:


Arizona Board of Osteopathic Examiners  
In Medicine and Surgery  
9535 East Doubletree Ranch Road  
Scottsdale AZ 85258-5539

Copy of the foregoing "Consent Agreement for Findings of Fact, Conclusions of Law and Order for Decree of Censure" send by certified mail, return receipt requested this 21<sup>st</sup> day of MAY, 2007 to:

Jeff A. Baird, D.O.  
313 Ocotillo  
Parker, AZ 85344

Copies of the foregoing "Findings of Fact, Conclusions of Law and Order for Decree of Censure" sent via regular mail this 21<sup>st</sup> day of MAY, 2007 to:

Blair Driggs, AAG  
Office of the Attorney General CIV/LES  
1275 West Washington  
Phoenix AZ 85007

  
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